



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

US EPA RECORDS CENTER REGION 5



468429

JUN 18 1981

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: American Chemical Services, Inc.
V-W-81-R-40
Consent Agreement and
Final Order

Dear Mr. Tarpo:

This is to acknowledge receipt of the Consent Agreement and Final Order signed by you. A fully-executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

Jane E. Schulteis
Chief, Litigation Unit II

Enclosure

cc: David Lamm, Chief
Solid Waste Section
Indiana State Board of Health

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:
AMERICAN CHEMICAL SERVICE, INC.
GRIFFITH, INDIANA
EPA ID NO. IN D016360265

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DOCKET NO. V-W-81-R-40
CONSENT AGREEMENT
AND
FINAL ORDER

AGREEMENT

WHEREAS,

1. This administrative proceeding was initiated pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6901 et seq.), hereinafter RCRA.

2. This action was instituted by a Complaint and Notice of Opportunity for Hearing by complainant on January 28, 1981, charging that Respondent was in violation of Subtitle C of RCRA, Section 3005, 42 U.S.C. 6925 and regulations 40 CFR Parts 265.14(b)(2)(ii), 265.52(f) and 265.73(b).

These violations were observed by officials of the United States Environmental Protection Agency (U.S. EPA) on December 4, 1980 during an inspection of Respondent's facility located at 420 South Colfax Avenue, Griffith, Indiana 46319.

3. Settlement of this action was discussed with Mr. James Tarpo, President of American Chemical Service, Inc., on the telephone on March 20, 1981 through Ms. Gloria J. Small, an attorney for U.S. EPA.

WHEREFORE, for the purpose of this proceeding only, and without prejudice to any other proceeding:

1. Respondent hereby admits the jurisdictional allegations contained in the Complaint,

2. Respondent admits the allegations set forth in the Complaint,

3. Respondent explicitly waives its right to request a hearing on the allegations of the Complaint filed herein,

4. The parties stipulate that:

a) An evacuation plan for facility personnel has been prepared. Mr. Alan Baumann, an engineer for U.S. EPA, inspected the plan during an on-site visit of Respondent's facility on Friday, March 13, 1981.

- b) Handling codes and cross references to specific manifest document numbers have been recorded in the facility's operating record. Mr. Alan Baumann, an engineer for U.S. EPA, observed the handling codes and cross references in the operating record during an on-site visit of Respondent's facility on Friday, March 13, 1981.

5. Respondent consents to the issuance of the Final Order hereinafter recited.

ORDER

The Respondent, American Chemical Service, Inc., shall effective immediately unless otherwise stated comply with the following requirements:

- a) The evacuation plan must be maintained at the facility. Facility personnel must remain apprised of the information contained in the evacuation plan.
- b) Respondent must continue to include handling codes and cross references in the operating record when necessary as required by the regulations.
- c) A fence or comparable barrier should be erected to enclose the existing property, or a 24-hour surveillance system which continuously monitors and controls entry into the active portion of the facility should be installed not later than August 31, 1981. Should, however, Respondent purchase adjoining property to the south, west and north now owned by the private railway company, the fencing of Respondent's property should occur not later than September 30, 1981 and should include the purchased property.

The above order is hereby consented to by both parties to this proceeding.

[Signature]
Respondent, American Chemical Service, Inc.

Dated: 5-12-81 At: 11th Congress, Ill.

[Signature]
Sandra S. Gardebring
Director, Enforcement Division
United States Environmental
Protection Agency
Region V

Therefore, it is so ordered. -- This order shall become effective immediately.

[Signature]
Acting Regional Administrator
United States Environmental
Protection Agency
Protection Agency
Region V

Dated: MAY 27th 1981 At: CHICAGO, ILL.